

House Engrossed Senate Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

CHAPTER 152

SENATE BILL 1106

AN ACT

AMENDING TITLE 12, CHAPTER 6, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING
SECTION 12-717; RELATING TO CIVIL LIABILITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 12, chapter 6, article 12, Arizona Revised Statutes,
3 is amended by adding section 12-717, to read:

4 12-717. Liquefied petroleum gas provider; liability;
5 affirmative defense; definitions

6 A. IN ANY CIVIL ACTION AGAINST A LIQUEFIED PETROLEUM GAS PROVIDER FOR
7 CIVIL OR OTHER DAMAGES, THE LIQUEFIED PETROLEUM GAS PROVIDER IS LIABLE ONLY
8 FOR THE AMOUNT OF DAMAGES THAT ARE IN PROPORTION TO THE LIQUEFIED PETROLEUM
9 GAS PROVIDER'S PERCENTAGE OF FAULT AND IS NOT LIABLE FOR THE AMOUNT OF
10 DAMAGES ALLOCATED TO FAULT ATTRIBUTED TO EITHER:

11 1. AN ALTERATION OR MODIFICATION OF LIQUEFIED PETROLEUM GAS EQUIPMENT
12 THAT WAS NOT REASONABLY FORESEEABLE, THAT WAS MADE BY A PERSON OTHER THAN THE
13 LIQUEFIED PETROLEUM GAS PROVIDER AND THAT COULD NOT HAVE BEEN DISCOVERED BY
14 THE LIQUEFIED PETROLEUM GAS PROVIDER IN THE EXERCISE OF REASONABLE CARE.

15 2. THE USE OF LIQUEFIED PETROLEUM GAS EQUIPMENT IN A MANNER OR FOR A
16 PURPOSE OTHER THAN THAT FOR WHICH THE LIQUEFIED PETROLEUM GAS EQUIPMENT WAS
17 INTENDED TO BE USED OR COULD REASONABLY HAVE BEEN FORESEEN TO BE USED, IF THE
18 LIQUEFIED PETROLEUM GAS PROVIDER OR THE LIQUEFIED PETROLEUM GAS EQUIPMENT
19 MANUFACTURER HAS TAKEN REASONABLE STEPS TO WARN THE ULTIMATE CONSUMER OF THE
20 HAZARDS ASSOCIATED WITH FORESEEABLE MISUSES OF THE GAS EQUIPMENT.

21 B. THIS SECTION DOES NOT AFFECT, MODIFY OR ELIMINATE THE LIABILITY OF
22 A LIQUEFIED PETROLEUM GAS EQUIPMENT MANUFACTURER OR ITS EMPLOYEES OR AGENTS
23 UNDER ANY LEGAL CLAIM, INCLUDING PRODUCT LIABILITY CLAIMS.

24 C. FOR THE PURPOSES OF THIS SECTION:

25 1. "LIQUEFIED PETROLEUM GAS EQUIPMENT" MEANS A LIQUEFIED PETROLEUM GAS
26 APPLIANCE OR OTHER LIQUEFIED PETROLEUM GAS EQUIPMENT.

27 2. "LIQUEFIED PETROLEUM GAS PROVIDER" MEANS ANY PERSON OR ENTITY
28 ENGAGED IN THE BUSINESS OF SUPPLYING, HANDLING, TRANSPORTING OR SELLING AT
29 RETAIL LIQUEFIED PETROLEUM GAS, BUT DOES NOT INCLUDE A LIQUEFIED PETROLEUM
30 GAS EQUIPMENT MANUFACTURER.

APPROVED BY THE GOVERNOR MAY 1, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 1, 2007.